

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, NOVEMBER 28, 1978

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council

Chambers Tuesday evening November 28 A.D., 1978, in
Regular Session. President Samuel J. Talarico in the chair,
Attorney
and John H. Logan - Council Clerk, at the desk, present the following
members _____ viz:

BURNS P, HINGA A, HUNTER P,
MOSES P, NUCKOLS A, DONALD SCHMIDT A,
VIVIAN SCHMIDT A, STIER P, TALARICO P,
ABSENT _____

COUNCILMAN _____, _____, _____,
_____, _____, _____,

The invocation was given by _____

Received report from the City Controller for the month of _____,
19 _____. Motion made and carried that report be made a matter of record and placed
on file.

The minutes of the last Regular _____, 19 _____,
_____, 19 _____,
Special _____, 19 _____,

Session having been delivered to the Council, were, on motion, approved and
published.

FATHER EDWARD KRASON, PRINCIPAL
LARRY BARTOLAMEOLLI, FOOTBALL COACH

COMMUNITY RECOGNITION

FORT WAYNE CITY COUNCIL WISHES TO CONGRATULATE THE
BISHOP DWENGER "SAINTS" AND THEIR FINE COACHING STAFF
FOR AN OUTSTANDING FOOTBALL SEASON AND FOR REPRESENTING
OUR CITY IN THE "TRIPLE A PLAYOFF" IN INDIANAPOLIS.

ALTHOUGH BISHOP DWENGER DID NOT FINISH "NO 1" AS FAR
AS THE FOOTBALL RATINGS -- THEIR DISPLAY OF GOOD SPORT-
MANSHIP, MENTAL ATTITUDE AND DESIRE TO WIN WAS TRULY
A CREDIT TO THEIR SCHOOL AND THE PEOPLE OF OUR COMMUNITY.

Samuel J. Talarico
SAMUEL J. TALARICO, PRESIDENT

Ralph Lewis
Ralph Lewis

Judah R. Hunter

Vivian G. Schmidt
Vivian G. Schmidt

James D. Stu

John Shuckols
John Shuckols

D. Schmidt

ATTEST:

CHARLES W. WESTERMAN, CITY CLERK

DATE 11/21/73 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

MADE A MATTER OF RECORD
DATE 11/29/78 CH-104

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Number: 63/78/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 63/78/E)

I hereby certify that I did this 22nd day of
November, 19 78 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, The City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana, respectively, a copy of the within
Regulatory Resolution No. 63/78/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman
~~SECRETARY~~ of said Board, in accordance with the provisions
of Section 17-4(a) of Chapter 17, Municipal Code of the City
of Fort Wayne, Indiana 1946, as amended by General Ordin-
nance G-55, adopted FEB. 14, 1961.

Terry Conner

Chairman
~~EXOFFICIO SECRETARY~~

REGULATORY RESOLUTION NO.63/78/E

(Adopted November 22, 19 78.)

WHEREAS, Section 17-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REGULATORY RESOLUTION 51/78/E:

DELETE STOP INTERSECTION (EMERGENCY) NO PARKING (EMERGENCY)
NO PARKING (EMERGENCY) ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated November 20, 19 78, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 7-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective November 22,

19 78, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

DELETE:
STOP INTERSECTION (EMERGENCY)

Taylor St. -- stop -- at Freeman St.
Freeman St. -- stop -- at Taylor St.

NO PARKING (EMERGENCY)

Wallace St. -- south side -- from Lafayette St. to 200 ft. east thereof

NO PARKING (EMERGENCY)

Essex Lane -- both sides -- from Camden Dr. to Coldwater Rd.

President of the Common Council
City of Fort Wayne, Indiana

DATE 11/28/79 MADE A MATTER OF RECORD

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolutions Numbers: 61/78/D
62/78/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan
Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE
61/78/D
(Regulatory Resolution No. 62/78/E)

I hereby certify that I did this 17th day of
November, 19 78 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, The City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana, respectively, a copy of the within
61/78/D
Regulatory Resolution No. 62/78/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman
~~SECRETARY~~ of said Board, in accordance with the provisions
of Section 17-4(a) of Chapter 17, Municipal Code of the City
of Fort Wayne, Indiana 1946, as amended by General Ordin-
ance G-55, adopted FEB. 14, 1961.

Terry Coonan

CHAIRMAN
~~EXECUTIVE~~ SECRETARY

REGULATORY RESOLUTION NO. 61/78/D

(Adopted November 17, 19 78)

WHEREAS, Section 17-4(a) (2), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter as so amended delegates to this Board authority to PREFERENTIAL (DELEGATED)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 16, 1978, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 14 of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14, 1961, it is hereby

ordered, effective November 17, 19 78, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

PREFERENTIAL (DELEGATED)

Tacoma Ave. -- preferential -- at Maple grove Ave.

REGULATORY RESOLUTION NO.62/78/E

(Adopted November 17, 1978)

WHEREAS, Section 7-4(a) (3), Chapter 17 Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 48/78/E and 49/78/E:

48/78/E: TWO HOUR PARKING 8:00 AM - 6:00 PM (EMERGENCY)

TWO HOUR PARKING 8:00 AM - 3:00 PM (EMERGENCY)

DELETE: ONE HOUR PARKING 8:00 AM - 6:00 PM (EMERGENCY)

DELETE: ONE HOUR PARKING 8:00 AM - 3:00 PM (EMERGENCY)

49/78/E: NO PARKING (EMERGENCY)

WHEREAS, the City Traffic : Engineer has, by written

memorandum dated November 16, 19 78, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G -55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective November 17,

19 78, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

TWO HOUR PARKING 8:00 AM - 6:00 PM (EMERGENCY)

Wayne St. -- South side -- from Barr St. to Lafayette St.

TWO HOUR PARKING 8:00 AM - 3:00 PM (EMERGENCY)

Wayne St. -- north side -- from Barr St. to Lafayette St.

DELETE: ONE HOUR PARKING 8:00 AM - 6:00 PM (EMERGENCY)

Wayne St. -- south side -- from Barr St. to Lafayette St.

DELETE: ONE HOUR PARKING 8:00 AM - 3:00 PM (EMERGENCY)

Wayne St. -- north side -- from Barr St. to Lafayette St.

NO PARKING (EMERGENCY)
Sidney Street -- east side -- from Maumee Ave. to Jefferts Ave.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

donald j. schmidt

councilman, 2nd district

November 28, 1978

Gentlemen and Mrs. Schmidt:

I will be unable to attend this evening's meeting, because of illness.

Sincerely,

Donald J. Schmidt
Councilman, 5th District

M.J.S.
DATE 11/28/78 Charles M. Martin, City Clerk





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

November 22, 1978

To the Common Council
Fort Wayne, IN

Gentlemen and Mrs. Schmidt:

I shall be out of town on November 28, 1978, Common Council Regular Session, attending the National League of Cities Convention, in St. Louis, Mo.

Sincerely yours,

Charles W. Westerman
City Clerk

MADE A MATER OF RECORD
DATE 11/28/78 CHARLES W. WESTERMAN, CITY CLERK





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

vivian g. schmidt

councilwoman-at-large

November 22, 1978

To the Common Council
Fort Wayne, IN

Gentlemen:

I will be out of town on November 28, 1978, attending
the National League of Cities Convention, in St. Louis,
Mo.

Sincerely,

Vivian G. Schmidt
Councilwoman-at-Large

DATE 11/21/78 MADE A MATTER OF RECORD
CHASSE





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

john nuckols

councilman, 1st district

November 22, 1978

To the Common Council
Fort Wayne, IN

Gentlemen and Mrs. Schmidt:

I will be unable to attend the meeting of November 28, 1978,
as I shall be attending the convention of the National
League of Cities in St. Louis, Mo.

Respectfully yours,

JOHN NUCKOLS
Councilman, 1st. District

DATE 1/24/78 MADE A MASH



STATE OF INDIANA

DEPARTMENT OF PUBLIC WELFARE

100 NORTH SENATE AVENUE - ROOM 701

WAYNE A. STANTON
Administrator



INDIANAPOLIS, 46204

OTIS R. BOWEN, M. D.
Governor of Indiana

November 17, 1978

TO: Presidents of All Indiana City Councils
FROM: Mr. Wayne A. Stanton
SUBJECT: Public Law 135 - Child Abuse

Enclosed you will find a copy of Indiana's new Child Abuse Law, Public Law 135, which will become effective January 1, 1979. This copy of the law is for your information. Except in cases involving institutional abuse or cases in which policy investigation also appears appropriate, the child protection service of the local county department of public welfare shall be the primary public agency responsible for handling reports of suspected child abuse or neglect.

Public Law 135 envisions a close working relationship between local law enforcement agencies and the child protection service. The State Department of Public Welfare is pleased by the assurances of such cooperation received from the local police departments around the state.

We are looking forward to a positive and cooperative working relationship with law enforcement personnel in your city.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne A. Stanton".

Wayne A. Stanton

Contact Person:

Mrs. Sue Stanis (317) 633-7687

DATE 11/28/78 MADE A MATTER OF RECORD
CHARLES W. HARRIS, CLERK

AN ACT to amend IC 31 concerning child abuse.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31 is amended by adding a NEW article 5.5 to read as follows: ARTICLE 5.5. CHILD ABUSE Chapter 1. Definitions.

Sec. 1. As used in this article:

(a) "Child" means any person under the age of eighteen (18) years.

(b) "Child abuse" means circumstances where a child:

(1) has any physical injury inflicted by other than accidental means, or an injury at variance with the history given of it; or

(2) is the victim of a sex offense as defined by IC 35-42-4, IC 35-45-1, or IC 35-46-1-3.

(c) "Child neglect" means circumstances where a child is the victim of neglect. However, for the purposes of this chapter, a child may not be considered the victim of neglect if the child has abandoned the home of his family without the fault or consent of the person responsible for the child's welfare.

(d) "Institutional child abuse and neglect" means situations of child abuse or neglect where the person responsible for the child's welfare is a foster parent or is employed by a public or private residential home, school, institution, or agency.

(e) "Neglect" means the circumstances in which a person having the care, custody, or control of a child knowingly:

(1) places the child in a situation that may endanger his life or health;

(2) abandons or cruelly confines the child;

(3) deprives the child of education required by law;

(4) fails, being able, to provide necessary support;

(5) permits the child to participate in an obscene performance as prohibited by IC 35-30-10.1-1 and IC 35-30-10.1-3; or

(6) permits the child to commit the sexual offenses prohibited by IC 35-45-4.

(f) "Neglected child" means a child who is the victim of child neglect.

(g) "Person responsible for a child's welfare" includes the child's parent, guardian, foster parent, custodian, and an employee of a public or private residential home, institution, or agency.

(h) "Physical injury" means any injury that causes or creates a substantial risk of death, permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

Sec. 2. For the purposes of this chapter when a parent or guardian fails to provide specific medical treatment for

a child, a rebuttable presumption arises that such failure does not constitute child neglect when the parent or guardian is legitimately and genuinely practicing his or her religious beliefs. However, this presumption shall not prevent a competent court of jurisdiction from ordering, when the health of the child in question so requires, medical services from a physician licensed to engage in the practice of medicine within the state of Indiana.

Chapter 2. Jurisdiction.

Sec. 1. When jurisdiction is obtained by the "court" in the case of any child, such child shall continue under the jurisdiction of the court until he becomes twenty-one (21) years of age unless discharged earlier or is committed to a correctional or other state institution. A person subject to the jurisdiction of the juvenile court under this article may be brought before it by either of the following means and no other:

- (a) By petition praying that the person be adjudged delinquent, dependent, neglected, or abused;
- (b) Certification and transfer from any other court before which any such person is brought charged with the commission of a crime. Upon discharge of a dependent, abused, or neglected child from a state psychiatric hospital or school for the mentally retarded, the committing court shall resume jurisdiction over the child.

Chapter 3. Child Protection Service.

Sec. 1. Purpose. It is the purpose of this chapter to encourage effective reporting of suspected or known incidents of child abuse or neglect, to provide in each county an effective child protection service to quickly investigate reports of child abuse or neglect, to provide protection for a child or children from further abuse or neglect, and to provide rehabilitative services for the child, or children and the parents involved.

Sec. 2. Unless the context specifies otherwise, as used in this chapter:

"Department" means the state department of public welfare.

"Administrator" means the administrator of the state department of public welfare.

"Medical practitioner" means a licensed physician and includes, for the purposes of this chapter, an intern, resident, osteopath, chiropractor, dentist, podiatrist, registered nurse or other licensed nurse, or mental health professional.

"Reason to believe" means evidence which, if presented to individuals of similar background and training, would cause those individuals to believe that a child was abused or neglected.

As used in this chapter, words of masculine gender include reference to the feminine gender.

Sec. 3. (a) In addition to any other duty to report arising under other sections contained in this chapter, any individual who has reason to believe that a child is the victim of child abuse or neglect shall make a report as provided in, and required by, this chapter. Failure to make such a report shall be a Class B misdemeanor.

(b) If an individual is required to make a report under this chapter in his capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, he shall immediately notify the individual in charge of the institution, school, facility, or agency, or his designated agent, who also becomes responsible to report or cause a report to be made. However, nothing in this section is intended to relieve individuals of their obligation to report on their own behalf, unless a report has already been made in regard to the individual's belief. Failure to make the report as required by this subsection shall also be, in addition to the penalty imposed by subsection (a) above, a Class B misdemeanor.

Sec. 4. Any person who has a duty to report child abuse or neglect under section 3 of this chapter shall immediately make an oral report to the local child protection service or law enforcement agency.

Sec. 5. (a) A written report of the suspected child abuse or neglect shall be made by the child protection service within forty-eight (48) hours of its receipt of the oral report required of individuals by section 4 of this chapter. Written reports shall be made on forms supplied by the administrator. Such reports shall include, if known, the following information:

- (1) the names and addresses of the child and his parents or other person responsible for his care;
- (2) the child's age and sex;
- (3) the nature and apparent extent of the child's injuries, abuse, or neglect, including any evidence of prior injuries of the child or abuse or neglect to the child or his siblings;
- (4) the name of the person or persons allegedly responsible for causing the injury, abuse, or neglect;
- (5) the source of the report;
- (6) the person making the report and where he can be reached;
- (7) the actions taken by the reporting source, including the taking of photographs and x-rays, removal or keeping of the child, or notifying the coroner; and
- (8) any other information which the administrator may, by regulation, require, or the person making the report believes might be helpful, in the furtherance of the purposes of this chapter.

A copy of the written report of the child protection service shall immediately be made available to the appropriate law enforcement agency, the prosecuting attorney, and, in a case involving death, to the coroner for his consideration whereupon the coroner shall accept the report for investigation and shall report his findings to the appropriate law enforcement agency, the prosecuting attorney, the local child protection service, and, if the institution making the report is a hospital, the hospital.

(b) Child abuse or neglect information may be expunged where the probative value of the information is so doubtful as to outweigh its validity. Child abuse or neglect information shall be expunged if it is determined to be unfounded after:

- (1) an investigation of a report of suspected child abuse or neglect by the child protection service; or
- (2) a court adjudication.

Sec. 6. (a) Any person required to report cases of known or suspected child abuse or neglect who is also a medical practitioner, or person in charge of a hospital or similar medical institution treating the child shall take, or cause to be taken photographs of the areas of trauma visible on the child who is the subject of a report, and, if medically indicated, cause a radiological examination of the child to be performed.

(b) The reasonable cost of photographs or x-rays taken under this section shall be reimbursed by the state department of public welfare.

(c) All photographs taken and a summary of x-rays and other medical care shall be sent to the local child protection service at the time the written report is sent, or as soon thereafter as possible. Notice of the existence and location of the photographs or x-rays shall be given by the child protection service to the prosecuting attorney and the appropriate law enforcement agency. These photographs or x-rays shall be made available to the county welfare department, prosecuting attorney, or guardian ad litem appointed under this chapter for use in any judicial proceeding relating to the subject matter of a report made in this chapter, and to the extent permissible under the Indiana Rules of Civil Procedure, to the adverse party or parties in any proceeding or proceedings arising under this chapter.

Sec. 7. Any individual, official, or institution, other than an individual, official, or institution accused of child abuse and neglect, who:

- (1) makes or causes to be made a report of child abuse or neglect under this chapter;
- (2) makes or causes to be made photographs or x-rays under this chapter;
- (3) makes any other report of child abuse and neglect; or
- (4) participates in any judicial proceeding or other proceeding resulting from a report of child abuse or neglect, or relating to the subject matter of such report; is immune from any civil or criminal liability that might otherwise be imposed because of such actions. However, immunity does not attach for any person, official, or institution who has acted maliciously or in bad faith. A person making a report of child abuse or neglect or assisting in any requirement of this chapter is presumed to have acted in good faith.

Sec. 8. The privileged quality of communication between a husband and wife, or between a medical practitioner and his patient, may not be a ground for:

- (1) excluding evidence in any judicial proceeding resulting from a report of child abuse or neglect, or relating to the subject matter of such report; or

(2) failing to report as required by this chapter.

Sec. 9. In every judicial proceeding under this chapter the court may appoint a guardian ad litem when considered necessary to protect the best interests of the child. The guardian ad litem need not be an attorney; however, the representative may be an attorney charged with the presentation in a judicial proceeding of the evidence alleged to amount to child abuse or neglect, so long as his legal responsibility includes representing the rights, interests, welfare, and well-being of the child. The guardian ad litem shall be given access to all reports relevant to the case and to any reports of examinations of the child's parents or other persons responsible for the child's welfare. Any costs related to the services of a guardian ad litem shall be fixed by the judge of the court, and shall be paid by the person responsible for the child's welfare. However, if an adjudication or finding is made in favor of the person responsible for the child's welfare, or if that person is financially unable to pay the cost of the guardian ad litem, the costs shall be paid by the court.

Sec. 10. (a) Each county department of public welfare shall establish within itself a local child protection service to carry out the provisions of this chapter. In counties with populations greater than one hundred thousand (100,000), according to the last preceding census, the child protection service shall be a separate organizational unit administered and supervised by a person reporting directly to the county department of public welfare. The local child protection service shall have sufficient qualified and trained staff to fulfill the purpose of this chapter, and shall be organized to maximize the continuity of responsibility, care, and service of individual case workers toward individual children and families.

(b) Except in cases involving institutional abuse or cases in which police investigation also appears appropriate, the child protection service shall be the primary public agency responsible for receiving, investigating, or arranging for investigation, and coordinating the investigation of all reports of known or suspected child abuse or neglect. In accordance with the local plan for the child protection services, it shall by court order provide protective services to prevent further abuse or neglect of children and provide for or arrange for and coordinate and monitor the provision of those services necessary to insure the safety of children.

(c) The child protection service shall cooperate with and shall seek and receive the cooperation of appropriate public and private agencies, including law enforcement agencies, the courts, organizations, groups, or programs providing or concerned with services related to the prevention, identification, or treatment of child abuse or neglect. Such cooperation and involvement may include consultation and services planning, case management, public education and information services, and utilization of each other's facilities, staff, and other training.

(d) County departments of public welfare situated in adjacent counties may establish a joint or multicounty child protection service to carry out the provisions of this chapter. Any county department of public welfare may contract with the department of public welfare of an adjacent county to provide child protection services in fulfillment of this chapter.

(e) Any other provisions of law notwithstanding, the child protection service may purchase and utilize the services of any public or private agency if adequate provision is made for continuity of care and accountability between the local protection service and the agency. When the local child protection service purchases services under this chapter, the expenses, to the extent allowed by state laws and federal laws and regulations, shall be reimbursed by the state to the locality or agency in the same manner and to the same extent as if the services were provided directly by the local child protection service.

(f) Before February 2 of each odd-numbered year, each county department of public welfare, after a public hearing, shall prepare a local plan for the provision of child protection services, and shall submit the plan to:

- (1) the administrator, after consultation with local law enforcement agencies;
- (2) a court having juvenile jurisdiction;
- (3) the child protection team, as provided for in section 14 of this chapter; and
- (4) appropriate public or voluntary agencies, including organizations for the prevention of child abuse or neglect.

The plan must describe the county department of public welfare implementation of this chapter, including the organization, staffing, mode of operations, and financing of the child protection services, as well as the provisions made for the purchase of service and interagency relations. Within sixty (60) days the administrator shall certify whether the local plan fulfills the purposes of and meets the requirements set forth in this chapter. If he certifies that the local plan does not do so, he shall state the reasons for his decision, and he may withhold state reimbursement for any part of the county department of public welfare activities relating to the provisions of this chapter. The decisions of the administrator under this section are reviewable under IC 4-22-1.

Sec. 11. (a) The local child protection service shall arrange for receipt, on a twenty-four (24) hour, seven (7) day week basis, of all reports of suspected child abuse or neglect in accordance with this chapter. Each local child protection service shall cause to be inserted in each local phone directory in the county a listing of its number under the name "Child Protection Service."

(b) The local child protection service shall initiate an appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect it receives, whether in accordance with this chapter or otherwise. Where the report alleges child abuse the investigation shall be initiated within twenty-four (24) hours of the receipt of the report. Where other forms of

child abuse or neglect are reported the investigation shall be initiated within a reasonably prompt time, with the primary consideration being the well-being of the child who is the subject of the report. However, when the immediate safety or well-being of a child appears to be endangered or the facts otherwise warrant, the child protection investigation shall be initiated immediately, regardless of the time of day.

(c) The local child protection service shall take or cause to be taken color photographs of the areas of trauma visible on a child who is subject to a report, and if medically indicated, cause to be performed a radiological examination of the child. The expenses of the photographs or x-rays shall be reimbursed by the state department of public welfare.

(d) The local child protection service shall give telephone notice and forward immediately a copy of reports made under this chapter which involve the death of a child to the appropriate prosecuting attorney. In addition, a copy of any or all reports made under this chapter shall be forwarded immediately by the child protection service to the appropriate prosecuting attorney if a prior request in writing for such copies has been made to the service by the prosecuting attorney.

(e) The local child protection service shall promptly make a thorough investigation upon either the oral or written report. The primary purpose of such an investigation shall be the protection of the child. The investigation, to the extent that is reasonably possible, shall include:

- (1) the nature, extent, and cause of the child abuse or neglect;
- (2) the identity of the person allegedly responsible for the child abuse or neglect;
- (3) the names and conditions of other children in the home;
- (4) an evaluation of the parents or person responsible for the care of the child;
- (5) the home environment and the relationship of the child or children to the parents or other persons responsible for their care; and
- (6) all other data considered pertinent.

The investigation may include a visit to the child's home, an interview with the subject child, and a physical, psychological, or psychiatric examination of any child or children in that home. If the admission to the home, school, or any other place that the child may be, or permission of the parent or other persons responsible for the child or children, for the physical, psychological, or psychiatric examination cannot be obtained, then a court, upon cause shown, shall order the parents or persons responsible and in charge of any place where the child may be to allow the interview, examinations, and investigation. If, before the examination is complete, the

opinion of the investigators is that immediate removal is necessary to protect a child or children from further abuse or neglect, a court, on petition by the investigators and with good cause being shown, shall issue an order for temporary removal and custody.

The child protection service shall make a complete written report of the investigation, together with its recommendations. These reports shall be made available to the appropriate court, the prosecuting attorney or the appropriate law enforcement agency upon request. In any case where the investigation substantiates abuse, as determined by the child protection service, a report shall be sent to the coordinator of the community child protection team, under section 15 of this chapter.

(f) Based on the investigation and evaluation conducted under this chapter, the local child protection service shall offer to the family or any child believed to be suffering from abuse or neglect the social services that appear appropriate for either the child or the family or both; however, before offering these services to a family, the local child protection service shall explain that it has no legal authority to compel the family to receive the social services, but may inform the family of the obligations and authority of the child protection service to petition a court having juvenile jurisdiction for a determination that a child is in need of care and protection.

(g) If the child protection service determines that the best interests of the child require action in the courts having juvenile or criminal jurisdiction for reasons it considers appropriate, the child protection service shall initiate the appropriate proceeding in the court having juvenile jurisdiction or make a referral to the appropriate prosecuting attorney.

(h) The local child protection service shall assist a court having juvenile jurisdiction or any criminal court during all stages of the proceedings in accordance with the purposes of this article.

(i) The local child protection service shall coordinate, provide or arrange for, and monitor, as authorized by this article and IC 12 rehabilitative services for children and their families on a voluntary basis or under a final or intermediate order of the court.

Sec. 12. When a law enforcement agency receives a report of child abuse or neglect as provided in section 5 of this chapter, it shall immediately communicate the report to the local child protection service. If the law enforcement agency has reason to believe there exists an imminent danger to the child's health or welfare, it shall initiate an immediate investigation of the report. In other cases, the law enforcement agency may initiate a preliminary investigation of a report, or act as prearranged in the local plan of child protection. However, in all instances the law enforcement agency shall forward any information, including copies of investigation reports, on incidents of child abuse and neglect, whether obtained in accordance with this chapter or not, to the local child protection agency.

Sec. 13. The court having juvenile jurisdiction shall every six (6) months review the status of every child declared a ward and removed from his family under this chapter. The review shall be based on a written report made by the child protection service on information obtained by an in-depth visit with the child and the family, foster home, or facility where the child has been placed. The report shall include information on the health, development, and general well-being of the child and may include recommendations or comments of the child protection service. The court may receive any other reports, evidence, or information it considers appropriate.

Sec. 14. The county welfare director shall appoint and convene a community-wide, multidisciplinary child protection team to be known as the "community child protection team." The team shall include the director of the local child protection service or his representative and the judge of a court having juvenile jurisdiction or his representative and may include a representative of the local law enforcement agency, a representative of a local school system, a physician, nurse, attorney, social worker, person trained in mental health, a representative of a community mental health facility, a person trained in mental retardation or representative of a community-based mental retardation or other developmental disability center, or a representative of a local child abuse and neglect group, and one (1) or more lay representatives of the community. The team shall consist of no less than five (5) and no more than eleven (11) members who shall elect from their own membership a team coordinator.

Sec. 15. (a) The team coordinator shall be responsible for supplying the community child protection team with copies of reports in cases of child abuse under section 11 of this chapter.

(b) The coordinator shall also supply the team with any other information or reports he considers essential to its deliberations.

(c) The child protection team may meet at least once a month or at such times as its services are needed by the child protection service. Meetings shall be called by the team coordinator, who shall determine the agenda; however, a majority of the membership of the team may call a meeting upon giving forty-eight (48) hour notice to all the members. Notwithstanding IC 5-14-1.5, meetings are open only to those persons authorized to receive information under this chapter and as authorized by section 18 of this chapter.

(d) The team shall provide diagnostic and prognostic service for the local child protection service or the juvenile court, and may recommend to the local child protection service that a petition be filed in the juvenile court on behalf of the subject child if it believes this would best serve the interests of the child.

Sec. 16. (a) Through a written protocol or agreement, the state department of public welfare shall designate the public or private agencies primarily responsible for investigating reports involving known or suspected instances of institutional child abuse or neglect. The designated agency or agencies must be

different from and separately administered from the one involved in the alleged acts or omissions; subject to this limitation, the agency may be the state department of public welfare, the local child protection service, or a law enforcement agency, but may not include the office of the prosecuting attorney.

(b) The protocol or agreement must describe the specific terms and conditions of the designation, including the manner in which reports of known or suspected institutional child abuse or neglect will be received, the manner in which such reports will be investigated, the remedial action which will be taken, and the manner in which the state department of public welfare will be kept fully informed on the progress, findings, and disposition of the investigation.

(c) To fulfill the purposes of this section, the state department of public welfare may purchase the services of the public or private agency designated to investigate reports of known or suspected child abuse or neglect.

Sec. 17. Nothing in this chapter may be construed to prohibit any religious group from the lawful practice or teaching of its beliefs.

Sec. 18. (a) Reports made under this chapter, and any other information obtained, reports written or photographs taken concerning such reports in the possession of the department, the county departments of public welfare, or the local child protection service are confidential and shall be made available only to those persons authorized by this chapter and in addition to:

- (1) a legally mandated, public or private child protective agency investigating a report of known or suspected child abuse or neglect or treating a child or family which is the subject of a report or record;
- (2) a police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child, investigating a report of known or suspected child abuse or neglect;
- (3) a physician who has before him a child whom he reasonably suspects may be abused or neglected;
- (4) an individual legally authorized to place a child in protective custody when that individual has before him a child whom he reasonably suspects may be abused or neglected and that individual requires the information in the report or record in order to determine whether to place the child in protective custody;
- (5) an agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record, or a parent, guardian, or other individual who is responsible for the child's welfare;
- (6) any individual named in the report or record who is alleged to be abused or neglected; if the individual named in the report is a minor or is otherwise incompetent, his guardian ad litem if there is one;

- (7) a parent, guardian, or other individual responsible for the welfare of a child named in a report or record, with protection for the identity of reporters and other appropriate individuals;
- (8) a court, upon its finding that access to the records may be necessary for determination of an issue before the court, but access is limited to in camera inspection, unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before it;
- (9) a grand jury upon its determination that access to the records is necessary in the conduct of its official business;
- (10) any appropriate state or local official responsible for the child protective service or legislation carrying out his official functions.

(b) Nothing contained in the subsection (a) shall prevent the county Departments of Public Welfare, or the local Child Protection Service from disclosing to any qualifying individual engaged in a good faith research project, either:

- (1) information of a general nature, including the incidents of reported child abuse, or other statistical or social data used in connection with studies, reports, or surveys, and information related to their function and activities, or
- (2) information relating to case histories of child abuse if the information disclosed does not identify or reasonably tend to identify those involved, and if the information is not a subject of pending litigation.

To implement the provisions of this subsection, the state department of public welfare shall, and is hereby so empowered, to adopt under IC 4-22-2, rules and regulations to govern the dissemination of the above mentioned information to qualifying researchers.

Sec. 19. (a) The costs of any services ordered by the court for any child or his parent, guardian, or custodian, is a charge against the county, and the county council shall provide sufficient funds to meet the court's requirements.

(b) The parent, guardian, or custodian of any child adjudicated an abused or neglected child is financially responsible for any services ordered by the court unless:

- (1) he is unable to pay for them;
 - (2) payment would force an unreasonable hardship on the family; or
 - (3) justice would not be served by ordering payment.
- The court may determine the ability of a parent, guardian, or custodian to pay for services provided to the parent or his child.

(c) The court shall require the parent, guardian, or custodian to reimburse the county in a manner that will cause the least hardship.

(d) If the parent, guardian, or custodian defaults in reimbursing the county, the court may find him in contempt and the county may file a civil action to collect the unpaid amounts.

Sec. 20. An individual who knowingly requests, obtains, or seeks to obtain child abuse or neglect information under false pretenses, or any individual who knowingly falsifies child abuse or neglect information or records, commits a Class B misdemeanor.

SECTION 4. IC 12-3-4.1 is hereby specifically repealed.

SECTION 5. This act takes effect on January 1, 1979.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

November 16, 1978

MADE A MATTER OF RECORD
DATE 11/24/78 CHARLES W. COOPER, CLERK

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, November 16, 1978, I have approved the following ordinances passed by the Common Council at its regular meeting of November 14, 1978.

(Bill No. A-78-10-25)
APPROPRIATION ORDINANCE NO. A-29-78

AN ORDINANCE appropriating funds from the Park General Fund No. 21 to the Parks and Recreation Department, Account No. 21-850-265 "Services Contractual - Construction"

(Bill No. S-78-10-27)
SPECIAL ORDINANCE NO. S-201-78

AN ORDINANCE approving an Agreement to Purchase Real Estate by James and Sandra Macon

(Bill No. R-78-11-13)
RESOLUTION NO. R-51-78

A RESOLUTION authorizing payment to Weikel Line Co., Inc. for repair parts for the Traffic Engineering Department (Signal Division)

(Bill No. R-78-11-14)
RESOLUTION NO. R-52-78

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. R-78-11-15)
RESOLUTION NO. R-53-78

A RESOLUTION authorizing the transfer of funds from Account No. 10-810-371 "Food" to Account No. 10-810-252 "Repair of Equipment" in the 1978 Budget of the Humane Commission



(Bill No. R-78-11-16)
RESOLUTION NO. R-54-78

A RESOLUTION authorizing the transfer of funds from Account No. 21-850-220 "Utilities"; Account No. 21-850-271 "Recreational Services"; and Account No. 21-850-620 "Retirement and Social Security" to various accounts of the 1978 Budget of the Parks and Recreation Dept.

(Bill No. R-78-11-17)
RESOLUTION NO. R-55-78

A RESOLUTION authorizing the transfer of funds from Account No. 10-620-521 "Rents" and Account No. 10-620-510 "Insurance" to various accounts of the 1978 budget of the Controller's Department

(Bill No. S-78-10-30)
SPECIAL ORDINANCE NO. S-202-78

AN ORDINANCE establishing restricted zones for the safe descent, landing and ascent of aircraft and for the proper and safe use of airports or landing fields owned or operated by the City of Fort Wayne, Indiana

(Bill No. G-78-08-12)
GENERAL ORDINANCE NO. G-31-78

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street

(Bill No. G-78-09-49)
GENERAL ORDINANCE NO. G-32-78

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley

(Bill No. G-78-09-50)
GENERAL ORDINANCE NO. G-33-78

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain easement

(Bill No. Z-78-02-09)
ZONING MAP ORDINANCE NO. Z-27-78

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S10

(Bill No. S-78-10-36)
SPECIAL ORDINANCE NO. S-203-78

AN ORDINANCE approving Change Order No. 1 in connection with Street Light Resolution No. 130-1978, Northwest Central Phase II

(Bill No. S-78-10-37)
SPECIAL ORDINANCE NO. S-204-78

AN ORDINANCE approving Change Order No. 1, in connection with Improvement Resolution No. 5760-1977

(Bill No. S-78-10-38)
SPECIAL ORDINANCE NO. S-205-78

AN ORDINANCE approving a contract for Sidewalk Improvement Resolution No. 5814-1978, between the City of Fort Wayne, Indiana and Rieth-Riley Constr. Co., Inc., for installation of sidewalks

(Bill No. S-78-10-39)
SPECIAL ORDINANCE NO. S-206-78

AN ORDINANCE approving a contract with Carrington & Associates, Inc. for Sidewalk Improvement Resolution No. 5812-1978

(Bill No. S-78-10-40)
SPECIAL ORDINANCE NO. S-207-78

AN ORDINANCE approving Change Order No. 2, in connection with Improvement Resolution No. 5802-1978, Nebraska Phase III

(Bill No. S-78-10-42)
SPECIAL ORDINANCE NO. S-208-78

AN ORDINANCE approving City Utilities Purchase Order No. 0278 with Ace Doern for General Superintendent to transport a truck mounted crane for Filtration Plant

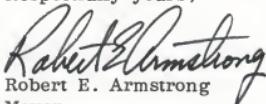
(Bill No. S-78-10-43)
SPECIAL ORDINANCE NO. S-209-78

AN ORDINANCE approving a blanket purchase order - City Utilities Purchase Order No. 0338 for materials for the Water Maintenance & Service Department

(Bill No. S-78-10-44)
SPECIAL ORDINANCE NO. S-210-78

AN ORDINANCE approving City Utilities Purchase Order No. 0332 with Taylor-Martin Papers, for supplies for Office Services Department

Respectfully yours,


Robert E. Armstrong
Mayor



THE CITY OF FORT WAYNE

MADE A MATTED COPY
DATE 11/25/78 BY C.R.C.

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

16 November 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, IN, 1946). The proposed ordinance is designated as:

BILL NO. Z-78-07-18

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
16th day of November 1978.



Luben Lazoff
Secretary

JENSEN ENTERPRISES, INC.

November 16, 1978

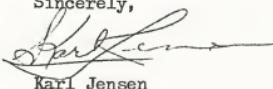
Mr. Gary Baeten
Senior Planner
Division Of Long Range Planning And Zoning
City Of Fort Wayne

RE: Bill Number Z-78-07-18
From (R1) to (R3)
Lots 79 through 86 In
Highland Park Addition Extended

Dear Sir:

I hereby guarantee that I will include a buffer fence between the above listed property and the surrounding properties to the south, west, and north thereby completely separating the area and allowing only an entrance from Spy Run Extended.

Sincerely,



Karl Jensen

KJ:jo



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802
city plan commission

16 November 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held August 28, 1978. In addition, to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-78-07-18
2. From "R1" to "R3"
3. Intended Use: Condominiums
4. Plan Commission Recommendation: DO PASS

This ordinance was given a DO PASS recommendation for the following reason:

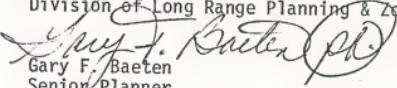
- a. The use is compatible with the area.

CONDITION: The developer will provide a restrictive covenant to the Commission stating that the project will include a buffer consisting of a fence or a living screen between his/her property and those properties to the west.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning & Zoning


Gary F. Baeten
Senior Planner

GFB:pb

Attachment

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-07-18; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 21, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

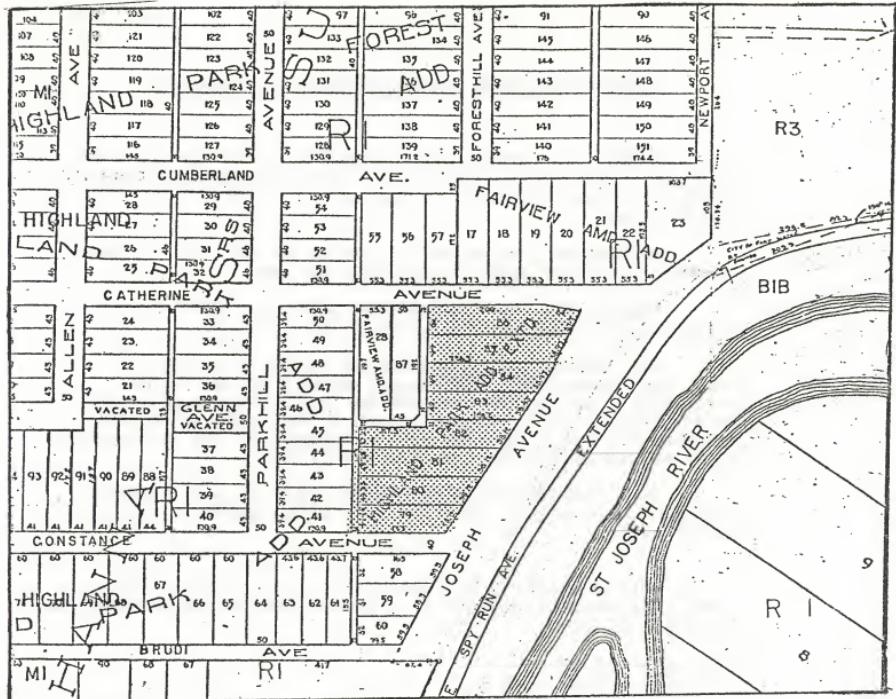
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution at the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 28, 1978.

Certified and signed this
16th day of November 1978.



Luben Lazoff
Secretary



REZONE FROM RI TO R3

MAP NO. N22

7-78-07-18

BY M.E.C. 7-3-78



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

November 15, 1978

MADE A MATTER OF RECORD
DATE 11/18/78 C.R.

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, November 15, 1978, I have approved the following ordinances passed by the Common Council at its regular meeting of November 14, 1978

(Bill No. R-78-11-48)
RESOLUTION NO. R-50-78

A RESOLUTION correcting Scrivener's Errors in General Ordinance No. G-27-78, Establishing Rates and Charges for use and Services of City of Fort Wayne Waterworks System

(Bill No. G-78-11-50)
GENERAL ORDINANCE NO. G-30-78

AN ORDINANCE AMENDING GENERAL ORDINANCE NO. G-26-78, SECTIONS 3 (b), 3 (c), 4 & 6

Respectfully yours,

Robert E. Armstrong
Mayor



THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 28th day of November, 1978 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 4th day of December, 1978.

Charles W. Westerman
Charles W. Westerman
City Clerk